

### **REMARKS**

In response to the Office Action dated June 16, 2005, Applicants respectfully request reconsideration.

#### **Response to Amendment**

The List of Claims above includes original claims 37-47 in view of the Examiner's withdrawal of the December 17, 2004 restriction requirement as indicated in the June 16, 2005 Office Action. Applicants thank the Examiner for clarifying this issue during a September 15, 2005 telephone conversation.

#### **Claim Rejections 35 USC §102**

Claims 1-48 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application 2002/0116263 (Gouge). Claim 48 has been cancelled without prejudice, rendering the rejection moot. New claim 49 has been added. Applicants respectfully assert that claims 1-47 and claim 49 are patentable over Gouge.

Regarding independent claim 1, Gouge does not teach, disclose or suggest at least a method for providing an animated audio message including receiving an audio message indication, related to an audio message, via a first wireless communication, and receiving an image indication, related to an image, via a second wireless communication. Gouge discusses a play-by-email combat game that is also capable of transmitting advertisements [0105-0111]. Mobile telephone users may access the application through SMS messages [0190]. The audio outputs in Gouge are the result of SMS messages that are subsequently processed by an audio codec [0202 cited by the Examiner]. These SMS messages also contain the data used to produce the graphical outputs [Id.]. Thus, in contrast to claim 1, the audio and image data in Gouge are transferred over a single wireless communication. This single SMS wireless communication has bandwidth issues that are overcome by the multiple wireless communications of claim 1. Claim 1 recites a method for providing an audio message including receiving an audio-message indication, related to an audio message, via a first wireless communication and receiving an image indication, related to an image, via a second wireless communication. Further, Gouge discusses that the image and audio data are transmitted in the same data payload [0206] and does not teach, disclose, or suggest associating the image with the audio message as recited in claim 1.

For at least these reasons independent claim 1, and claims 2-16 that depend directly or indirectly from claim 1, are patentable over Gouge.

Regarding independent claim 17, Gouge does not teach, disclose, or suggest a method for providing an animated audio message as selected in a wireless communication including sending, toward the recipient, message information sufficient for the recipient to access the animated audio message for viewing and listening by the recipient. Gouge discusses a play-by-email combat game that is also capable of transmitting advertisements [0105-0111]. Mobile telephone users may access the application through SMS messages [0190]. The audio outputs in Gouge are the result of SMS messages that are subsequently processed by an audio codec [0202 cited by the Examiner]. The SMS data generated for the console is limited to 140 bytes of 8 bit data [0206]. Applicants respectfully assert that the rate of data transferred in the SMS messages discussed in Gouge is not sufficient for a recipient to view and listen to an animated audio message. For example, the 140 byte SMS message with GSM audio codec technology can carry less than 0.25 seconds of audio. Gouge does not disclose how to transmit and sequence an adequate volume of SMS messages to allow a user to view and listen to an audio message. Thus, Gouge does not teach, disclose, or suggest a method for providing an animated audio message as selected in a wireless communication including sending toward the recipient message information sufficient for the recipient to access the animated audio message for viewing and listening by the recipient as recited in claim 17. For at least these reasons independent claim 17, and claims 18-22 that depend directly or indirectly from claim 17, are patentable over Gouge.

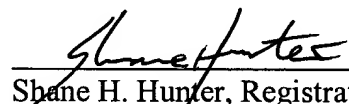
Regarding independent claim 23, Gouge does not teach, disclose, or suggest a computer program product including computer-executable instructions for causing a computer to receive an audio message indication, related to an audio message, via a first wireless communication, and to receive an image indication, related to an image, via a second wireless communication. Gouge discusses a play-by-email combat game that is also capable of transmitting advertisements [0105-0111]. Mobile telephone users may access the application through SMS messages [0190]. The audio outputs in Gouge are the result of SMS messages that are subsequently processed by an audio codec [0202 cited by the Examiner]. These SMS messages also contain the data used to produce the graphical outputs [Id.]. Thus, in contrast to claim 23, the audio and image data in Gouge are transferred over a single wireless communication. Gouge does not teach, disclose or suggest a computer program product including computer-executable

instructions for causing a computer to receive an audio message indication, related to an audio message, via a first wireless communication, and to receive an image indication, related to an image, via a second wireless communication as recited in claim 23. For at least these reasons, independent claim 23, and claims 24-36 that depend directly or indirectly from claim 23, are patentable over Gouge.

Regarding independent claim 37, Gouge does not teach, disclose or suggest a system for providing an animated audio message including a voice-mail interface coupled to the a wireless interface and configured to receive an audio message. Gouge discusses a play-by-email combat game that is also capable of transmitting advertisements [0105-0111]. Mobile telephone users may access the application through SMS messages [0190]. The audio outputs in Gouge are the result of SMS messages that are subsequently processed by an audio codec [0202 cited by the Examiner]. Players may communicate with one another through text based messages such as the "victory cry" [0241] and not through audio messages as recited in claim 37. Thus, Gouge does not teach, disclose, or suggest a system for providing an animated audio message including a voice-mail interface coupled to the wireless interface and configured to receive an audio message as recited in claim 37. For at least these reasons independent claim 37, and claims 38-47 that depend directly or indirectly from claim 37, are patentable over Gouge.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. The Examiner is invited to call Applicants' Attorney at the number provided below with any questions.

Respectfully submitted,

  
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